

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

***In re* FLINT WATER CASES**

**Civil Action No. 5:16-cv-10444-JEL
(consolidated)**

Hon. Judith E. Levy

**NOTICE OF THE SPECIAL MASTER REGARDING INITIAL PAYMENT
FOR SERVICES PROVIDED BY WOLF GARRETSON LLC FOR THE
PURPOSE OF ASSISTING THE SPECIAL MASTER WITH THE CLAIMS
ADMINISTRATION PROCESS**

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. Amended Order Appointing Special Master (“Special Master Appointment Order”), ECF No. 544, PageID.16581-16590. The Special Master Appointment Order specified various assigned duties and noted potential additional tasks that could be performed by the Special Master, as directed by the Court.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval Of A Partial Settlement, Granting Certification Of A Settlement Class, Granting Appointment Of Settlement Class Counsel [1794], Denying Objections, And Adopting The Report And Recommendation [2006]* (“Opinion and Final Approval Order”), 571 F. Supp. 3d 746 (E.D. Mich. 2021) (ECF No. 2008, PageID.69537-69714).

The Opinion and Final Approval Order approved the settlement reached between Plaintiffs and the Settling Defendants in the Amended Settlement Agreement (“ASA”), ECF No. 1394-2, PageID.54120-54211 (dated January 15, 2021).¹ The ASA specified various duties of the Special Master and defines the Special Master as Deborah Greenspan. ASA, at §1.77, ECF No. 1394-2, PageID.54136. As set forth in the Opinion and Final Approval Order, pursuant to the ASA, the Special Master oversees various aspects of the settlement and her duties include: “(1) consulting with the Claims Administrator and making decisions regarding registration and participation; (2) considering and deciding, in a timely fashion, any appeals taken by participants ...; and (3) handling any disputes that arise involving the ASA.” Opinion and Final Approval Order, 571 F. Supp. 3d at 761, ECF No. 2008 at PageID.69554 (citing ASA at PageID.54163–54174).

On January 20, 2022, the Court issued its Order Regarding Settlement-Related Duties Of The Special Master, ECF No. 2096, PageID.71973 (“January 2022 Order”). By this Order, the Court amended its previous Special Master Appointment Order and directed Deborah E. Greenspan to fulfill all of the duties of Special Master set forth in the ASA. *See* January 2022 Order, PageID.71975. The January 2022 Order further provided:

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the ASA.

Under the provisions of the Special Master Appointment Order, the Court further directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims administration process and the entities engaged to provide services in connection with the review, evaluation, and administration of claims and the distribution of settlement assets. The Special Master shall address issues of interpretation of Exhibit 8 to the ASA and the exhibits thereto and shall be authorized and directed to provide direction to the Claims Administrator regarding questions of interpretation. The Special Master may submit recommendations to the Court regarding interpretation matters. Any determinations regarding interpretation affecting the eligibility of and compensation category of claims shall be posted on the Claims Administrator's website. The Special Master shall report to the Court periodically on the progress of the settlement and on any issues or matters of concern that may arise under the implementation of the ASA.

Id. at PageID.71975-71976.

The January 2022 Order provides that the “fees, costs and expenses of the Special Master shall be paid out of the FWC Qualified Settlement Fund consistent with the ASA except as otherwise provided in the ASA.” *Id.*, at PageID.71976. The ASA provides that, except for disputes covered under §§12.12-12.13 of the ASA, “reasonable compensation of the Special Master, as agreed to by Plaintiffs’ Counsel and approved by the Federal Court, and reasonable out-of-pocket costs and expenses will be paid out of the FWC Qualified Settlement Fund.” ASA, §12.11, at PageID.54164.

On January 31, 2023, the Special Master filed a *Report and Recommendation of the Special Master Regarding Addition of Claims Administrator Services for the Partial Settlement* (ECF No. 2341). In that report, the Special Master recommended

that “the Court approve the engagement of two entities to design and implement revised claims management and review processes and to design additional quality control procedures.” *Id.*, at PageID.75991. The Special Master further recommended “the engagement of two entities – Wolf Garretson LLC and Alvarez & Marsal Disputes and Investigations, LLC – to provide certain defined services in connection with the claims administration process.” *Id.*, at PageID.75992. The Special Master’s recommendations were approved by this Court in an *Order Authorizing Engagement Of Wolf Garretson LLC And Alvarez & Marsal Disputes And Investigations, LLC Under The Supervision Of The Special Master To Provide Certain Defined Services In Connection With The Administration Of Claims In the Partial Settlement*, dated February 1, 2023 (ECF No. 2341) (“February 1, 2023 Order”).

Consistent with the February 1, 2023 Order, the Special Master engaged Wolf Garretson LLC to provide certain defined services in connection with the claims administration process. The engagement was memorialized in the “Flint Water Cases Settlement Program Services Agreement” (“the Agreement”), executed on February 13, 2023. Under Schedule 1 of the Agreement, Wolf Garretson LLC is entitled to be paid 40% of the estimated “Per-Case” fees (“the Advance Payment”). Wolf Garretson LLC submitted its invoice for the Advance Payment to the Special Master. The Special Master has reviewed the invoice and determined that it

comports with the terms of the Agreement with Wolf Garretson LLC. The total amount of the invoice is \$1,032,000.00.

Payment

The fees, if approved, would be paid from the FWC Qualified Settlement Fund, which has been established under the terms of the Court's February 2, 2021 *Order Granting Motion To Establish Qualified Settlement Fund and Sub-Qualified Settlement Funds, and Establishing QSF Authorized Banking Institution [1408]*, ECF No. 1410.

By this Notice, I am requesting that the Court authorize the payment of \$1,032,000 as directed by the Special Master for the Advance Payment to Wolf Garretson LLC.

Respectfully submitted,

Date: February 22, 2023

/s/ Deborah E. Greenspan
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CERTIFICATE OF SERVICE

I certify that on February 22, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Dated: February 22, 2023

/s/ Deborah E. Greenspan

Deborah E. Greenspan

Special Master

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